

**NOTICE OF PROPOSED RULE ADOPTION
STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
OFFICE OF MARINE FISHERIES**

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Specific Legal Authority authorizing the promulgation of Rule:
Mississippi Code Ann. § 49-15-15, Administrative Procedures Act, §
25-43-1.101 *et seq.*

**Reference to Rules repealed, amended or suspended by the
Proposed Rule:** The following rules have been amended,
renumbered or repealed (See explanation). Proposed change by the
addition to Title 22 Part 1; Chapter 13 Transportation of Shellstock
by Vessel

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 1 RULES AND REGULATIONS FOR SHELLFISH HARVESTING, TAGGING, LANDING, UNLOADING, TRANSPORTING, RELAYING, MANAGEMENT, AREA CLASSIFICATION, AND OTHER SHELLFISH RELATED ACTIVITIES IN THE STATE, AND THE LEASING OF TERRITORIAL WATERS UNDER THE JURISDICTION OF THE STATE OF MISSISSIPPI. The proposed changes are to Title 22 Part 1; Chapter 13 Transportation of Shellstock by Vessel. This would change the current requirement of boats or vessels legally harvesting and transporting shellstock from waters outside the State of Mississippi into Mississippi unrefrigerated to land shellstock on the same day of harvest by allowing legal multiple day harvest through requiring an application for a landing permit. The changes also authorizes the Executive Director to establish earlier checkout times, additional tagging requirements and additional time to temperature requirements of shellstock as may be required or necessary in order to achieve current and future ISSC requirements of illness reduction plans or management plans for *Vibrio parahaemolyticus* or *Vibrio vulnificus* to better protect the public health, or health of "at-risk" consumers, and to allow for greater options to the industry and harvesters in meeting those requirements. The MDMR may also place any additional conditions on the transportation of shellstock harvested from waters outside of the State of Mississippi that it deems necessary to protect public health and to ensure compliance with the provisions of this Part and with the laws of the State of Mississippi.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

☐ An oral proceeding is scheduled on this rule on Date: {Insert Date} Time: {Insert Time}
Place: {Insert Place}

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least ____ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

XX An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

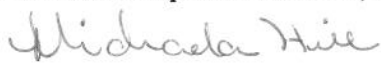
☒ The agency has determined that an economic impact statement is not required for this rule, or
This proposed change does not constitute a "significant amendment" and the estimated economic impacts are less than \$100,000.

☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: March 16, 2010

Proposed Effective Date of Rule: May 24, 2010



for William W. Walker, Ph.D. MDMR Executive Director
Signature and Title of Person Submitting Rule for Filing